



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,837	03/26/2001	G. Eric Engstrom	112076-138339	9404

25943 7590 09/23/2005

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER

SMITH, TRACI L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 23 2005

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/817,837
Filing Date: March 26, 2001
Appellant(s): ENGSTROM, G. ERIC

Schwabe, Williamson & Wyatt P.C.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 18, 2004 appealing from the Office
action mailed October 28, 2004

A handwritten signature is located in the bottom right corner of the page.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Appellant states in brief there are no appeals or interferences related to present appeal which will directly affect, be directly affected or have a bearing on the boards decision therefore no appendix is necessary.

This appeal involves claims 45-68.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: change 35 USC 102(a) to 35 USC 102(e) which is the proper rejection given by examiner in the Final rejection dated October 28, 2004. These same changes should be address on Pg. 5 and 8 in order to correct the Appellants inconsistency though out the brief.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 45-68 are claimed unpatentable under 35 U.S.C. 102(e) as being anticipated by US Patent 6 285 983 B1; Jenkins; Marketing Systems and Methods that Preserve Consumer Privacy.

As to claims **45** and **64** Jenkins teaches a method, system and apparatus for:

- requesting information of personality characteristics(C. 4 I. 54-57)
- generating profile based on received personality information(C. 4 I 61-63 C 5. I. 22-24)).
- Transmitting profile in response to request(C. 5 I 22-24 & 37-40)

(10) Response to Argument

Appellant argues Jenkins fails to teach receiving "registration" information from a device. Examiner notes appellants statement on Pg 6 where appellant "concedes" that information is received. Appellant argues information is not registration information. Examiner notes that there is no specific teaching set forth in appellants disclosure regarding what constitutes "registration" information. As noted on page 7 of the

Art Unit: 3629

specification the list personal characteristics "may include ...etc" but is not limited to, therefore, any information regarding the user is considered registration information.

Appellant fails to define and/or claims specific requirements for "registration information". Examiner further notes that the information for the profiles is queried by the marketers(C. 3 I. 51-55) there by "requesting" the specific type of information they need/want for create a certain profile.

Appellant further argues that Jenkins fails to teach "generating" a personality profile. The examiner notes the claim is written in the alternative therefore the claim is interpreted as generating a profile of a first server. The personal characteristics used for registration, as explained in Appellants disclosure, indicates any information regarding the user, therefore a personal profile is simply a record of information regarding a user. Jenkins teaches creating marketing profiles by specifying which group of individuals receive information. The examiner further notes under this reasoning Jenkins teaches two ways of generating profiles, first by the initial repository server as it collects and stores data associated with the user it has created a record of that users activities, i.e. a profile(C.4 I. 50-51). The second being the marketers as they request certain consumer characteristics to be abstracted from the data storage(C. 5 I. 37-40).

As to Appellants arguments regarding claim 64 in that Jenkins fails to teach a information for "registering or seeking to register" although examiner maintains Jenkins teaches this type of registration information as stated above this is merely intended use

Art Unit: 3629

of the claimed apparatus and does not patentably distinguishable it from the prior art, furthermore Appellant does not claim the "registering" of users.

As set forth by the Appellant in the Appeals Brief Filed on July 18, 2005 examiner believes all of the Appellants questions have been answered to indicate Jenkins anticipates the pending claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Traci L. Smith

Conferees:

John Weiss

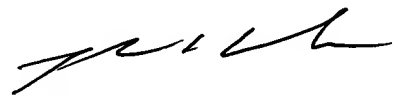
John Weiss 9-15-05

Dean Nguyen

Dean Nguyen 9-15-05

Traci Smith

Traci Smith 9-15-05



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3300